

Introduced by Senator Ortiz

February 24, 1999

An act to amend Section 120500 of, *and to add Section 120582 to*, the Health and Safety Code, relating to public health.

LEGISLATIVE COUNSEL'S DIGEST

SB 648, as amended, Ortiz. Venereal disease: *chlamydia: treatment of partner.*

Existing law requires the State Department of Health Services to investigate conditions affecting the prevention and control of venereal diseases, as defined, and approved procedures for prevention and control, and to disseminate educational information relating to venereal disease. ~~Existing law further requires local health officers to use every available means to ascertain the existence of cases of infectious venereal diseases within their jurisdictions, and to take all measures reasonably necessary to prevent the transmission of infection.~~

~~This bill would authorize local health officers to include chlamydia within the definition of venereal diseases.~~

This bill would revise the definition of venereal disease to include chlamydia. It would authorize a physician and surgeon who diagnoses a sexually transmitted chlamydia infection in an individual patient to prescribe, dispense, furnish, or otherwise provide prescription antibiotic drugs to that patient's male sexual partner or partners without examination of that patient's partner or partners, and would

authorize the department to adopt regulations to implement this provision.

This bill would also provide that the prescribing, dispensing, furnishing, or otherwise providing of prescription antibiotic drugs by a physician and surgeon for a male sexual partner or partners of a patient with sexually transmitted chlamydia without a good faith examination shall be considered professional conduct and shall not constitute gross negligence or incompetence for purposes of certain provisions of existing law.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 ~~SECTION 1. Section 120500 of the Health and Safety~~
2 *SECTION 1. (a) The Legislature finds and declares*
3 *the following:*
4 *(1) One out of 10 couples in California has problems*
5 *with fertility.*
6 *(2) Pelvic inflammatory disease (PID) is the leading*
7 *preventable cause of tubal infertility.*
8 *(3) Recurrent genital chlamydial infections due to*
9 *nontreatment of sexual partners of persons with these*
10 *genital infections greatly contributes to the development*
11 *of PID.*
12 *(4) Current rates of chlamydial infection among*
13 *Californians warrant enhanced and expanded disease*
14 *prevention and control efforts.*
15 *(5) Partner-delivered treatment is a recognized*
16 *component of these control efforts.*
17 *(b) It is the intent of the Legislature that physicians*
18 *and surgeons be allowed to ensure adequate medical*
19 *treatment and management of male sexual partners of*
20 *persons diagnosed with chlamydia and for programs to*
21 *support the medical evaluation and treatment of*
22 *partners.*
23 *SEC. 2. Section 120500 of the Health and Safety Code*
24 *is amended to read:*

1 120500. As used in the Communicable Disease
2 Prevention and Control Act (Section 27) “venereal
3 diseases” means syphilis, gonorrhea, chancroid,
4 lymphopathia venereum, ~~and~~ granuloma inguinale, ~~and~~
5 *chlamydia*.

6 SEC. 3. Section 120582 is added to the Health and
7 Safety Code, to read:

8 120582. (a) Notwithstanding any other provision of
9 law, a physician and surgeon who diagnoses a sexually
10 transmitted chlamydia infection in an individual patient
11 may prescribe, dispense, furnish, or otherwise provide
12 prescription antibiotic drugs to that patient’s male sexual
13 partner or partners without examination of that patient’s
14 partner or partners. The department may adopt
15 regulations to implement this section.

16 (b) The prescribing, dispensing, furnishing, or
17 otherwise providing of prescription antibiotic drugs by a
18 physician and surgeon for a male sexual partner or
19 partners of a patient with sexually transmitted chlamydia
20 without a good faith examination shall be considered
21 professional conduct and shall not constitute gross
22 negligence or incompetence pursuant to Section 2234 of
23 the Business and Professions Code. ~~{BND:0.0}Code is~~
24 ~~amended to read:~~

25 ~~120500. As used in the Communicable Disease~~
26 ~~Prevention and Control Act (Section 27) “venereal~~
27 ~~diseases” means syphilis, gonorrhea, chaneroid,~~
28 ~~lymphopathia venereum, and granuloma inguinale. At~~
29 ~~the option of local health officers, “venereal disease” may~~
30 ~~also include chlamydia.~~